

MICHELLE E. LATTIMER,

Plaintiff,

v.

HALLMARK HEALTH SYSTEM, INC.,

Defendant.

Plaintiff Michelle E. Lattimer (Plaintiff) and Defendant Hallmark Health System, Inc. (Hallmark) (collectively the parties) hereby respectfully request that the Court reconsider its denial of the parties' motion to extend the time by which they may complete fact discovery until December 15, 2006, and to submit dispositive motions by February 2, 2007. In support of said motion, the parties state as follows:

1. The plaintiff, Michelle E. Lattimer, is a person who is deaf. Ms. Lattimer uses American Sign Language (“ASL”) as her primary method of communication. There were continuing problems in scheduling ASL interpreters to assist plaintiff’s counsel in interviewing the plaintiff to prepare responses to defendant’s interrogatories and document requests. Plaintiff’s counsel requested, and defense counsel granted, several extensions of time for plaintiff’s counsel to prepare complete responses to defense counsel’s discovery requests. Plaintiff’s responses to defendant’s interrogatories and document request were served on June 26 and July 6, 2006, respectively.

2. Similarly, defense counsel has encountered great difficulty in locating and scheduling an ASL interpreter for purposes of taking the plaintiff's deposition. The delay caused by the difficulties encountered in scheduling ASL interpreters has been significant and, unfortunately, unavoidable.

3. Furthermore, because of the nature of the matter, involving numerous defense witnesses, defendant similarly needed extra time to respond to plaintiff's interrogatories, which were served on August 4, 2006. In the spirit of cooperation, plaintiff granted an extension of time until October 2, 2006 to allow defendant to complete responses.

4. Because defendant identified at least 25 persons with possible knowledge of the events, plaintiff's counsel has been awaiting the response to these interrogatories before scheduling depositions. This will facilitate the process of narrowing the necessary scope of deposition discovery and requests for production of documents and admission by plaintiff's counsel.

5. In addition, in September 2006, plaintiff's counsel unexpectedly required a medical procedure that necessitated time out of the office for treatment and recovery.

6. The parties agree that the additional time requested herein will not prejudice any party, is in the interest of justice and fair play and will allow them to conclude the discovery process in a reasonable, fair and just manner. The parties further respectfully submit that allowing them additional time in which to complete discovery will ultimately enable them to continue meaningful settlement discussions or, alternatively, substantially conserve the Court's resources by allowing them to conduct a more efficient trial.

WHEREFORE, Plaintiff Michelle E. Lattimer and Defendant Hallmark Health System, Inc. request that this Court reconsider its denial of their motion to extend the time in which they may complete fact discovery and submit dispositive motions up to and including December 15, 2006, and February 2, 2007, respectively. Alternatively, the parties respectfully request that the Court extend the period to complete fact discovery and to file dispositive motions to such dates as the Court deems proper. There will be no further requests for extensions.

Respectfully submitted,

Michelle E. Lattimer
By her attorney

Hallmark Health Systems, Inc.
By its attorneys

/s/ Pamela J. Coveney

/s/ John Simon

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